

## **Crime Control Act of 1990**

[Public Law 101–647, Approved November 29, 1990]

[As Amended Through P.L. 117–103, Enacted March 15, 2022]

【Currency: This publication is a compilation of the text of Public Law 101–647. It was last amended by the public law listed in the As Amended Through note above and below at the bottom of each page of the pdf version and reflects current law through the date of the enactment of the public law listed at <https://www.govinfo.gov/app/collection/comps/>】

【Note: While this publication does not represent an official version of any Federal statute, substantial efforts have been made to ensure the accuracy of its contents. The official version of Federal law is found in the United States Statutes at Large and in the United States Code. The legal effect to be given to the Statutes at Large and the United States Code is established by statute (1 U.S.C. 112, 204).】

AN ACT To control crime.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### **SECTION 1. SHORT TITLE.**

This Act may be cited as the “Crime Control Act of 1990”.

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## **TITLE II—VICTIMS OF CHILD ABUSE ACT OF 1990**

### **SEC. 201. [34 U.S.C. 10101 note] SHORT TITLE.**

This title may be cited as the “Victims of Child Abuse Act of 1990”.

## **Subtitle A—Improving Investigation and Prosecution of Child Abuse Cases**

### **SEC. 211. [34 U.S.C. 20301] FINDINGS.**

The Congress finds that—

(1) over 3,300,000 reports of suspected child abuse and neglect are made each year, and drug abuse is associated with a significant portion of these;

(2) the investigation and prosecution of child abuse cases is extremely complex, involving numerous agencies and dozens of personnel;

(3) traditionally, community agencies and professionals have different roles in the prevention, investigation, and intervention process;

(4) in such cases, too often the system does not pay sufficient attention to the needs and welfare of the child victim, aggravating the trauma that the child victim has already experienced;

(5) there is a national need to enhance coordination among community agencies and professionals involved in the intervention system;

(6) multidisciplinary child abuse investigation and prosecution programs have been developed that increase the reporting of child abuse cases, reduce the trauma to the child victim, improve positive outcomes for the child, and increase the successful prosecution of child abuse offenders;

(7) such programs have proven effective, and with targeted Federal assistance, have expanded dramatically throughout the United States; and

(8) State chapters of children's advocacy center networks are needed to—

(A) assist local communities in coordinating their multidisciplinary child abuse investigation, prosecution, and intervention services; and

(B) provide oversight of, and training and technical assistance in, the effective delivery of evidence-informed programming.

**SEC. 212. [34 U.S.C. 20302] DEFINITIONS.**

For purposes of this subtitle—

(1) the term “Administrator” means the agency head designated under section 201(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (34 U.S.C. 11111(b));

(2) the term “applicant” means a child protective service, law enforcement, legal, medical and mental health agency or other agency that responds to child abuse cases;

(3) the term “census region” means 1 of the 4 census regions (northeast, south, midwest, and west) that are designated as census regions by the Bureau of the Census as of the date of enactment of this section;

(4) the term “child abuse” means physical or sexual abuse or neglect of a child, including human trafficking and the production of child pornography;

(5) the term “multidisciplinary response to child abuse” means a response to child abuse that is based on mutually agreed upon procedures among the community agencies and professionals involved in the intervention, prevention, prosecution, and investigation systems that best meets the needs of child victims and their nonoffending family members;

(6) the term “nonoffending family member” means a member of the family of a victim of child abuse other than a member who has been convicted or accused of committing an act of child abuse;

(7) the term “regional children's advocacy program” means the children's advocacy program established under section 213(a); and

(8) the term “State chapter” means a membership organization that provides technical assistance, training, coordina-

tion, grant administration, oversight, and support to local children's advocacy centers, multidisciplinary teams, and communities working to implement a multidisciplinary response to child abuse in the provision of evidence-informed initiatives, including mental health counseling, forensic interviewing, multidisciplinary team coordination, and victim advocacy.

**SEC. 213. [34 U.S.C. 20303] REGIONAL CHILDREN'S ADVOCACY CENTERS.**

(a) **ESTABLISHMENT OF REGIONAL CHILDREN'S ADVOCACY PROGRAM.**—The Administrator, in coordination with the Director of the Office of Victims of Crime, shall establish a children's advocacy program to—

(1) focus attention on child victims by assisting communities in developing child-focused, community-oriented, facility-based programs designed to improve the resources available to children and families;

(2) enhance coordination among community agencies and professionals involved in the intervention, prevention, prosecution, and investigation systems that respond to child abuse cases;

(3) train physicians and other health care and mental health care professionals, law enforcement officers, child protective service workers, forensic interviewers, prosecutors, and victim advocates, in the multidisciplinary approach to child abuse so that trained personnel will be available to provide support to community agencies and professionals involved in the intervention, prevention, prosecution, and investigation systems that respond to child abuse cases; and

(4) collaborate with State chapters to provide training, technical assistance, coordination, and oversight to—

(A) local children's advocacy centers; and

(B) communities that want to develop local children's advocacy centers.

(b) **ACTIVITIES OF THE REGIONAL CHILDREN'S ADVOCACY PROGRAM.**—

(1) **ADMINISTRATOR.**—The Administrator shall—

(A) establish regional children's advocacy program centers; and

(B) fund existing regional centers with expertise in multidisciplinary team investigation, trauma-informed interventions, and evidence-informed treatment, for the purpose of enabling grant recipients to provide information, services, and technical assistance to aid communities in establishing multidisciplinary programs that respond to child abuse.

(2) **GRANT RECIPIENTS.**—A grant recipient under this section shall—

(A) assist communities, local children's advocacy centers, multidisciplinary teams, and State chapters—

(i) in developing and expanding a comprehensive, multidisciplinary response to child abuse that is designed to meet the needs of child victims and their families;

(ii) in promoting the effective delivery of the evidence-informed Children's Advocacy Model and the multidisciplinary response to child abuse, including best practices in—

- (I) organizational support and development;
- (II) programmatic evaluation; and
- (III) financial oversight of Federal funding;

(iii) in establishing child-friendly facilities for the investigation of, assessment of, and intervention in abuse;

(iv) in preventing or reducing trauma to children caused by duplicative contacts with community professionals;

(v) in providing families with needed services and assisting them in regaining maximum functioning;

(vi) in maintaining open communication and case coordination among community professionals and agencies involved in child protection efforts;

(vii) in coordinating and tracking investigative, preventive, prosecutorial, and treatment efforts;

(viii) in obtaining information useful for criminal and civil proceedings;

(ix) in holding offenders accountable through improved prosecution of child abuse cases;

(x) in enhancing professional skills necessary to effectively respond to cases of child abuse through training; and

(xi) in enhancing community understanding of child abuse; and

(B) provide training and technical assistance to local children's advocacy centers and interested communities in its census region that are grant recipients under section 214.

(c) OPERATION OF THE REGIONAL CHILDREN'S ADVOCACY PROGRAM.—

(1) SOLICITATION OF PROPOSALS.—Not later than 1 year after the date of enactment of this section, the Administrator shall solicit proposals for assistance under this section.

(2) MINIMUM QUALIFICATIONS.—In order for a proposal to be selected, the Administrator may require an applicant to have in existence, at the time the proposal is submitted, 1 or more of the following:

(A) A proven record in conducting activities of the kinds described in subsection (c).

(B) A facility where children who are victims of sexual or physical abuse and their nonoffending family members can go for the purpose of evaluation, intervention, evidence gathering, and counseling.

(C) Multidisciplinary staff experienced in providing evidence-informed services for children and families.

(D) Experience in serving as a center for training and education and as a resource facility.

(E) National expertise in providing technical assistance to communities with respect to the judicial handling of child abuse and neglect.

(3) PROPOSAL REQUIREMENTS.—

(A) IN GENERAL.—A proposal submitted in response to the solicitation under paragraph (1) shall—

(i) include a single or multiyear management plan that outlines how the applicant will provide information, services, and technical assistance to communities so that communities can establish multidisciplinary programs that respond to child abuse;

(ii) demonstrate the ability of the applicant to operate successfully a children's advocacy center or provide training to allow others to do so; and

(iii) state the annual cost of the proposal and a breakdown of those costs.

(B) CONTENT OF MANAGEMENT PLAN.—A management plan described in paragraph (3)(A) shall—

(i) outline the basic activities expected to be performed;

(ii) describe the entities that will conduct the basic activities;

(iii) establish the period of time over which the basic activities will take place; and

(iv) define the overall program management and direction by—

(I) identifying managerial, organizational, and administrative procedures and responsibilities;

(II) demonstrating how implementation and monitoring of the progress of the children's advocacy program after receipt of funding will be achieved; and

(III) providing sufficient rationale to support the costs of the plan.

(4) SELECTION OF PROPOSALS.—

(A) COMPETITIVE BASIS.—Proposals shall be selected under this section on a competitive basis.

(B) CRITERIA.—The Administrator shall select proposals for funding that—

(i) best result in developing and establishing multidisciplinary programs that respond to child abuse by assisting, training, and teaching community agencies and professionals called upon to respond to child abuse cases;

(ii) assist in resolving problems that may occur during the development, operation, and implementation of a multidisciplinary program that responds to child abuse;

(iii) to the greatest extent possible and subject to available appropriations, ensure that at least 1 applicant is selected from each of the 4 census regions of the country; and

(iv) otherwise best carry out the purposes of this section.

(5) FUNDING OF PROGRAM.—From amounts made available in separate appropriation Acts, the Administrator shall provide to each grant recipient the financial and technical assistance and other incentives that are necessary and appropriate to carry out this section.

(6) COORDINATION OF EFFORT.—In order to carry out activities that are in the best interests of abused and neglected children, a grant recipient shall consult with other grant recipients on a regular basis to exchange ideas, share information, and review children's advocacy program activities.

(d) REVIEW.—

(1) EVALUATION OF REGIONAL CHILDREN'S ADVOCACY PROGRAM ACTIVITIES.—The Administrator shall regularly monitor and evaluate the activities of grant recipients and shall determine whether each grant recipient has complied with the original proposal and any modifications.

(2) ANNUAL REPORT.—A grant recipient shall provide an annual report to the Administrator that—

(A) describes the progress made in satisfying the purpose of the children's advocacy program; and

(B) states whether changes are needed and are being made to carry out the purpose of the children's advocacy program.

(3) DISCONTINUATION OF FUNDING.—Upon discontinuation of funding of a grant recipient under this section, the Administrator shall solicit new proposals in accordance with subsection (c).

**SEC. 214. [34 U.S.C. 20304] LOCAL CHILDREN'S ADVOCACY CENTERS.**

(a) IN GENERAL.—The Administrator, in coordination with the Director of the Office of Victims of Crime, shall make grants to—

(1) develop and enhance multidisciplinary child abuse investigations, intervention, and prosecution; and

(2) promote the effective delivery of the evidence-informed Children's Advocacy Model and the multidisciplinary response to child abuse, including best practices in programmatic evaluation and financial oversight of Federal funding.

(b) DIRECT SERVICES FOR CHILD VICTIMS OF A SEVERE FORM OF TRAFFICKING IN PERSONS AND VICTIMS OF HUMAN TRAFFICKING AND CHILD PORNOGRAPHY.—The Administrator, in coordination with the Director of the Office of Victims of Crime, may make grants to develop and implement specialized programs to identify and provide direct services to victims of a severe form of trafficking (as defined in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(9)(A))) who were under the age of 18 at the time of the offense and victims of human trafficking and child pornography.

(c) GRANT CRITERIA.—(1) The Administrator shall establish the criteria to be used in evaluating applications for grants under subsections (a) and (b) consistent with sections 299B and 299E of the Juvenile Justice and Delinquency Prevention Act of 1974 (34 U.S.C. 11183, 11186).

(2) In general, the grant criteria established pursuant to paragraph (1) may require that a program include any of the following elements:

(A) A written agreement between local law enforcement, child protective service, health, and other related agencies to coordinate child abuse investigation, prosecution, treatment, and counseling services.

(B) An appropriate site for referring, interviewing, treating, and counseling child victims of sexual and serious physical abuse and neglect and nonoffending family members (referred to as a “children’s advocacy center”).

(C) Referral of all child abuse cases that meet designated referral criteria to the children’s advocacy center not later than 24 hours after notification of an incident of abuse.

(D) Joint initial forensic interviews of child victims by personnel from law enforcement, health, and child protective service agencies.

(E) A requirement that, to the extent practicable, all interviews and meetings with a child victim occur at the children’s advocacy center or an agency with which there is a linkage agreement regarding the delivery of multidisciplinary child abuse investigation, prosecution, and intervention services.

(F) Coordination of each step of the investigation process to eliminate duplicative forensic interviews with a child victim.

(G) Designation of a director for the children’s advocacy center.

(H) Assignment of a volunteer or staff advocate to each child in order to assist the child and, when appropriate, the child’s family, throughout each step of intervention and judicial proceedings.

(I) Such other criteria as the Administrator shall establish by regulation.

(d) **DISTRIBUTION OF GRANTS.**—In awarding grants under this section, the Administrator shall ensure that grants are distributed to all States that are eligible for such grants, including large and small States, and to rural, suburban, and urban jurisdictions.

(e) **CONSULTATION WITH REGIONAL CHILDREN’S ADVOCACY CENTERS.**—A grant recipient under this section shall consult from time to time with regional children’s advocacy centers in its census region that are grant recipients under section 213.

(f) **GRANTS TO STATE CHAPTERS FOR ASSISTANCE TO LOCAL CHILDREN’S ADVOCACY CENTERS.**—In awarding grants under this section, the Administrator shall ensure that a portion of the grants is distributed to State chapters to enable State chapters to provide technical assistance, training, coordination, and oversight to other recipients of grants under this section in providing evidence-informed initiatives, including mental health counseling, forensic interviewing, multidisciplinary team coordination, and victim advocacy.

**SEC. 214A. [34 U.S.C. 20305] GRANTS FOR SPECIALIZED TECHNICAL ASSISTANCE AND TRAINING PROGRAMS.**

(a) **IN GENERAL.**—The Administrator shall make grants to national organizations to provide technical assistance and training to—

(1) attorneys and other allied professionals instrumental to the criminal prosecution of child abuse cases in State or Federal courts, for the purpose of improving the quality of criminal prosecution of such cases; and

(2) child abuse professionals instrumental to the protection of children, intervention in child abuse cases, and treatment of victims of child abuse, for the purpose of—

(A) improving the quality of such protection, intervention, and treatment; and

(B) promoting the effective delivery of the evidence-informed Children's Advocacy Model and the multidisciplinary response to child abuse, including best practices in programmatic evaluation and financial oversight of Federal funding.

(b) GRANTEE ORGANIZATIONS.—

(1) PROSECUTORS.—An organization to which a grant is made for specific training and technical assistance for prosecutors under subsection (a)(1) shall be one that has—

(A) a broad representation of attorneys who prosecute criminal cases in State courts; and

(B) demonstrated experience in providing training and technical assistance for prosecutors.

(2) CHILD ABUSE PROFESSIONALS.—An organization to which a grant is made for specific training and technical assistance for child abuse professionals under subsection (a)(2) shall be one that has—

(A) a diverse portfolio of training and technical resources for the diverse professionals responding to child abuse, including a digital library to promote evidence-informed practice; and

(B) demonstrated experience in providing training and technical assistance for child abuse professionals, especially law enforcement officers, child protective service workers, prosecutors, forensic interviewers, medical professionals, victim advocates, and mental health professionals.

(c) GRANT CRITERIA.—

(1) The Administrator shall establish the criteria to be used for evaluating applications for grants under this section, consistent with sections 299B and 299E of the Juvenile Justice and Delinquency Act of 1974 (34 U.S.C. 11183, 11186).

(2) The grant criteria established pursuant to paragraph (1) shall require, in the case of a grant made under subsection (a)(1), that a program provide training and technical assistance that includes information regarding improved child interview techniques, thorough investigative methods, interagency coordination and effective presentation of evidence in court, including the use of alternative courtroom procedures described in this title.

#### **SEC. 214B. [34 U.S.C. 20306] AUTHORIZATION OF APPROPRIATIONS.**

(a) SECTIONS 213 AND 214.—There are authorized to be appropriated to carry out sections 213 and 214, \$16,000,000 for each of fiscal years 2019 through 2023.



(b) SECTION 214A.—There are authorized to be appropriated to carry out section 214A, \$5,000,000 for each of fiscal years 2019 through 2023.

**SEC. 214C. [34 U.S.C. 20307] ACCOUNTABILITY.**

(a) IN GENERAL.—All grants awarded by the Administrator under this subtitle shall be subject to the following accountability provisions:

(1) AUDIT REQUIREMENT.—

(A) DEFINITION.—In this paragraph, the term “unresolved audit finding” means a finding in the final audit report of the Inspector General of the Department of Justice that the audited grantee has utilized grant funds for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved within 12 months from the date when the final audit report is issued and any appeal has been completed.

(B) AUDIT.—The Inspector General of the Department of Justice shall conduct audits of recipients of grants under this subtitle to prevent waste, fraud, and abuse of funds by grantees. The Inspector General shall determine the appropriate number of grantees to be audited each year.

(C) MANDATORY EXCLUSION.—A recipient of grant funds under this subtitle that is found to have an unresolved audit finding shall not be eligible to receive grant funds under this subtitle during the following 2 fiscal years.

(D) PRIORITY.—In awarding grants under this subtitle, the Administrator shall give priority to eligible entities that did not have an unresolved audit finding during the 3 fiscal years prior to submitting an application for a grant under this subtitle.

(E) REIMBURSEMENT.—If an entity is awarded grant funds under this subtitle during the 2-fiscal-year period in which the entity is barred from receiving grants under paragraph (2), the Administrator shall—

(i) deposit an amount equal to the grant funds that were improperly awarded to the grantee into the General Fund of the Treasury; and

(ii) seek to recoup the costs of the repayment to the fund from the grant recipient that was erroneously awarded grant funds.

(2) NONPROFIT ORGANIZATION REQUIREMENTS.—

(A) DEFINITION.—For purposes of this paragraph, the term “nonprofit organization” means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code.

(B) PROHIBITION.—The Administrator may not award a grant under any grant program described in this subtitle to a nonprofit organization that holds money in offshore accounts for the purpose of avoiding paying the tax described in section 511(a) of the Internal Revenue Code of 1986.

(C) DISCLOSURE.—Each nonprofit organization that is awarded a grant under this subtitle and uses the procedures prescribed in regulations to create a rebuttable presumption of reasonableness for the compensation of its officers, directors, trustees and key employees, shall disclose to the Administrator, in the application for the grant, the process for determining such compensation, including the independent persons involved in reviewing and approving such compensation, the comparability data used, and contemporaneous substantiation of the deliberation and decision. Upon request, the Administrator shall make the information disclosed under this subparagraph available for public inspection.

(3) CONFERENCE EXPENDITURES.—

(A) LIMITATION.—No amounts authorized to be appropriated to the Department of Justice under this subtitle may be used by the Administrator, or by any individual or organization awarded discretionary funds through a cooperative agreement under this Act, to host or support any expenditure for conferences that uses more than \$20,000 in Department funds, unless the Deputy Attorney General or such Assistant Attorney Generals, Directors, or principal deputies as the Deputy Attorney General may designate, including the Administrator, provides prior written authorization through an award process or subsequent application that the funds may be expended to host a conference.

(B) WRITTEN APPROVAL.—Written approval under subparagraph (A) shall include a written estimate of all costs associated with the conference, including the cost of all food and beverages, audiovisual equipment, honoraria for speakers, and any entertainment.

(C) REPORT.—The Deputy Attorney General shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on all approved conference expenditures referenced in this paragraph.

(b) REPORTING.—Not later than March 1 of each year, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that—

(1) summarizes the efforts of the Administrator to monitor and evaluate the regional children's advocacy program activities under section 213(d);

(2) describes—

(A) the method by which amounts are allocated to grantees and subgrantees under this subtitle, including to local children's advocacy centers, State chapters, and regional children's advocacy program centers; and

(B) steps the Attorney General has taken to minimize duplication and overlap in the awarding of amounts under this subtitle; and

(3) analyzes the extent to which both rural and urban populations are served under the regional children's advocacy program.

## **Subtitle B—Court-Appointed Special Advocate Program**

### **SEC. 215. [34 U.S.C. 20321] FINDINGS.**

The Congress finds that—

(1) Court Appointed Special Advocates, who may serve as guardians ad litem, are trained volunteers appointed by courts to advocate for the best interests of children who are involved in the juvenile and family court system due to abuse or neglect; and

(2) in 2003, Court Appointed Special Advocate volunteers represented 288,000 children, more than 50 percent of the estimated 540,000 children in foster care because of substantiated cases of child abuse or neglect.

### **SEC. 216. [34 U.S.C. 20322] PURPOSE.**

The purpose of this subtitle is to ensure that by January 1, 2015, a court-appointed special advocate shall be available to every victim of child abuse or neglect in the United States that needs such an advocate.

### **SEC. 217. [34 U.S.C. 20323] STRENGTHENING OF THE COURT-APPOINTED SPECIAL ADVOCATE PROGRAM.**

(a) **IN GENERAL.**—The Administrator of the Office of Juvenile Justice and Delinquency Prevention shall make grants to initiate, sustain, and expand the court-appointed special advocate program.

(b) **GRANTEE ORGANIZATIONS.**—

(1) An organization to which a grant is made pursuant to subsection (a)—

(A) shall be a national organization that has broad membership among court-appointed special advocates and has demonstrated experience in grant administration of court-appointed special advocate programs and in providing training and technical assistance to court-appointed special advocate program; or

(B) may be a local public or not-for-profit agency that has demonstrated the willingness to initiate, sustain, and expand a court-appointed special advocate program.

(2) An organization described in paragraph (1)(A) that receives a grant may be authorized to make subgrants and enter into contracts with public and not-for-profit agencies to initiate, sustain, and expand the court-appointed special advocate program. Should a grant be made to a national organization for this purpose, the Administrator shall specify an amount not exceeding 5 percent that can be used for administrative purposes by the national organization.

(c) **GRANT CRITERIA.**—(1) The Administrator shall establish criteria to be used in evaluating applications for grants under this section, consistent with sections 299B and 299E of the Juvenile

Justice and Delinquency Prevention Act of 1974 (34 U.S.C. 11183, 11186).

(2) In general, the grant criteria established pursuant to paragraph (1) shall require that a court-appointed special advocate program provide screening, training, and supervision of court-appointed special advocates in accordance with standards developed by the National Court-Appointed Special Advocate Association. Such criteria may include the requirements that—

(A) a court-appointed special advocate association program have a mission and purpose in keeping with the mission and purpose of the National Court-Appointed Special Advocate Association and that it abide by the National Court-Appointed Special Advocate Association Standards for Programs;

(B) a court-appointed special advocate association program operate with access to legal counsel;

(C) the management and operation of a court-appointed special advocate program assure adequate supervision of court-appointed special advocate volunteers;

(D) a court-appointed special advocate program keep written records on the operation of the program in general and on each applicant, volunteer, and case;

(E) a court-appointed special advocate program have written management and personnel policies and procedures, screening requirements, and training curriculum;

(F) a court-appointed special advocate program not accept volunteers who have been convicted of, have charges pending for, or have in the past been charged with, a felony or misdemeanor involving a sex offense, violent act, child abuse or neglect, or related acts that would pose risks to children or to the court-appointed special advocate program's credibility;

(G) a court-appointed special advocate program have an established procedure to allow the immediate reporting to a court or appropriate agency of a situation in which a court-appointed special advocate volunteer has reason to believe that a child is in imminent danger;

(H) a court-appointed special advocate volunteer be an individual who has been screened and trained by a recognized court-appointed special advocate program and appointed by the court to advocate for children who come into the court system primarily as a result of abuse or neglect; and

(I) a court-appointed special advocate volunteer serve the function of reviewing records, facilitating prompt, thorough review of cases, and interviewing appropriate parties in order to make recommendations on what would be in the best interests of the child.

(3) In awarding grants under this section, the Administrator shall ensure that grants are distributed to localities that have no existing court-appointed special advocate program and to programs in need of expansion.

(d) **BACKGROUND CHECKS.**—State and local Court Appointed Special Advocate programs are authorized to request fingerprint-based criminal background checks from the Federal Bureau of Investigation's criminal history database for prospective volunteers.

The requesting program is responsible for the reasonable costs associated with the Federal records check.

(e) **REPORTING.**—An organization that receives a grant under this section for a fiscal year shall submit to the Administrator a report regarding the use of the grant for the fiscal year, including a discussion of outcome performance measures (which shall be established by the Administrator) to determine the effectiveness of the programs of the organization in meeting the needs of children in the child welfare system.

**SEC. 218. REPORT.**

(a) **REPORT REQUIRED.**—Not later than December 31, 2006, the Inspector General of the Department of Justice shall submit to Congress a report on the types of activities funded by the National Court-Appointed Special Advocate Association and a comparison of outcomes in cases where court-appointed special advocates are involved and cases where court-appointed special advocates are not involved.

(b) **ELEMENTS OF REPORT.**—The report submitted under subsection (a) shall include information on the following:

(1) The types of activities the National Court-Appointed Special Advocate Association has funded since 1993.

(2) The outcomes in cases where court-appointed special advocates are involved as compared to cases where court-appointed special advocates are not involved, including—

(A) the length of time a child spends in foster care;

(B) the extent to which there is an increased provision of services;

(C) the percentage of cases permanently closed; and

(D) achievement of the permanent plan for reunification or adoption.

**SEC. 219. [34 U.S.C. 20324] AUTHORIZATION OF APPROPRIATIONS.**

(a) **AUTHORIZATION.**—There is authorized to be appropriated to carry out this subtitle \$12,000,000 for each of fiscal years 2014 through 2018<sup>1</sup>.

(b) **LIMITATION.**—No funds are authorized to be appropriated for a fiscal year to carry out this subtitle unless the aggregate amount appropriated to carry out title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) for such fiscal year is not less than the aggregate amount appropriated to carry out such title for the preceding fiscal year.

(c) **PROHIBITION ON LOBBYING.**—No funds authorized under this subtitle may be used for lobbying activities in contravention of OMB Circular No. A-122.

<sup>1</sup> Effective on October 1, 2022, section 219(a) is amended by section 1305 of division W of Public Law 117-103 by striking “2014 through 2018” and inserting “2023 through 2027”.

## **Subtitle C—Child Abuse Training Programs for Judicial Personnel and Practitioners**

### **SEC. 221. [34 U.S.C. 20331] FINDINGS AND PURPOSE.**

(a) FINDINGS.—The Congress finds that—

(1) a large number of juvenile and family courts are inundated with increasing numbers of cases due to increased reports of abuse and neglect, increasing drug-related maltreatment, and insufficient court resources;

(2) the amendments made to the Social Security Act by the Adoption Assistance and Child Welfare Act of 1980 make substantial demands on the courts handling abuse and neglect cases, but provide no assistance to the courts to meet those demands;

(3) the Adoption and Child Welfare Act of 1980 requires courts to—

(A) determine whether the agency made reasonable efforts to prevent foster care placement;

(B) approve voluntary nonjudicial placement; and

(C) provide procedural safeguards for parents when their parent-child relationship is affected;

(4) social welfare agencies press the courts to meet such requirements, yet scarce resources often dictate that courts comply pro forma without undertaking the meaningful judicial inquiry contemplated by Congress in the Adoption and Child Welfare Act of 1980;

(5) compliance with the Adoption and Child Welfare Act of 1980 and overall improvements in the judicial response to abuse and neglect cases can best come about through action by top level court administrators and judges with administrative functions who understand the unique aspects of decisions required in child abuse and neglect cases; and

(6) the Adoption and Child Welfare Act of 1980 provides financial incentives to train welfare agency staff to meet the requirements, but provides no resources to train judges.

(b) PURPOSE.—The purpose of this subtitle is to provide expanded technical assistance and training to judicial personnel and attorneys, particularly personnel and practitioners in juvenile and family courts, to improve the judicial system's handling of child abuse and neglect cases with specific emphasis on the role of the courts in addressing reasonable efforts that can safely avoid unnecessary and unnecessarily prolonged foster care placement.

### **SEC. 222. [34 U.S.C. 20332] GRANTS FOR JUVENILE AND FAMILY COURT PERSONNEL.**

In order to improve the judicial system's handling of child abuse and neglect cases, the Administrator of the Office of Juvenile Justice and Delinquency Prevention shall make grants for the purpose of providing—

(1) technical assistance and training to judicial personnel and attorneys, particularly personnel and practitioners in juvenile and family courts; and

(2) administrative reform in juvenile and family courts.

**SEC. 223. [34 U.S.C. 20333] SPECIALIZED TECHNICAL ASSISTANCE AND TRAINING PROGRAMS.**

(a) GRANTS TO DEVELOP MODEL PROGRAMS.—(1) The Administrator shall make grants to national organizations to develop 1 or more model technical assistance and training programs to improve the judicial system's handling of child abuse and neglect cases.

(2) An organization to which a grant is made pursuant to paragraph (1) shall be one that has broad membership among juvenile and family court judges and has demonstrated experience in providing training and technical assistance for judges, attorneys, child welfare personnel, and lay child advocates.

(b) GRANTS TO JUVENILE AND FAMILY COURTS.—(1) In order to improve the judicial system's handling of child abuse and neglect cases, the Administrator shall make grants to State courts or judicial administrators for programs that provide or contract for, the implementation of—

(A) training and technical assistance to judicial personnel and attorneys in juvenile and family courts; and

(B) administrative reform in juvenile and family courts.

(2) The criteria established for the making of grants pursuant to paragraph (1) shall give priority to programs that improve—

(A) procedures for determining whether child service agencies have made reasonable efforts to prevent placement of children in foster care;

(B) procedures for determining whether child service agencies have, after placement of children in foster care, made reasonable efforts to reunite the family;

(C) procedures for coordinating information and services among health professionals, social workers, law enforcement professionals, prosecutors, defense attorneys, and juvenile and family court personnel, consistent with subtitle A; and

(D) procedures for improving the judicial response to children who are vulnerable to human trafficking, to the extent an appropriate screening tool exists.

(c) GRANT CRITERIA.—The Administrator shall make grants under subsections (a) and (b) consistent with sections 262, 299B, and 299E of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (34 U.S.C. 11183, 11186).

**SEC. 224. [34 U.S.C. 20334] AUTHORIZATION OF APPROPRIATIONS.**

(a) AUTHORIZATION.—There is authorized to be appropriated to carry out this subtitle \$2,300,000 for each of fiscal years 2014 through 2018.<sup>2</sup>

(b) USE OF FUNDS.—Of the amounts appropriated in subsection (a), not less than 80 percent shall be used for grants under section 223(b).

(c) LIMITATION.—No funds are authorized to be appropriated for a fiscal year to carry out this subtitle unless the aggregate amount appropriated to carry out title II of the Juvenile Justice

<sup>2</sup> Effective on October 1, 2022, section 224(a) is amended by section 1303 of division W of Public Law 117–103 by striking “subtitle” and all that follows and inserting “subtitle \$2,300,000 for each of fiscal years 2023 through 2027”. Such amendment should have included a period at the end of the inserted matter.

and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) for such fiscal year is not less than the aggregate amount appropriated to carry out such title for the preceding fiscal year.

\* \* \* \* \*

**SEC. 226. [34 U.S.C. 20341] CHILD ABUSE REPORTING.**

(a) IN GENERAL.—

(1) COVERED PROFESSIONALS.—A person who, while engaged in a professional capacity or activity described in subsection (b) on Federal land or in a federally operated (or contracted) facility, learns of facts that give reason to suspect that a child has suffered an incident of child abuse, shall as soon as possible make a report of the suspected abuse to the agency designated under subsection (d) and to the agency or agencies provided for in subsection (e), if applicable.

(2) COVERED INDIVIDUALS.—A covered individual who learns of facts that give reason to suspect that a child has suffered an incident of child abuse, including sexual abuse, shall as soon as possible make a report of the suspected abuse to the agency designated by the Attorney General under subsection (d).

(b) COVERED PROFESSIONALS.—Persons engaged in the following professions and activities are subject to the requirements of subsection (a)(1):

(1) Physicians, dentists, medical residents or interns, hospital personnel and administrators, nurses, health care practitioners, chiropractors, osteopaths, pharmacists, optometrists, podiatrists, emergency medical technicians, ambulance drivers, undertakers, coroners, medical examiners, alcohol or drug treatment personnel, and persons performing a healing role or practicing the healing arts.

(2) Psychologists, psychiatrists, and mental health professionals.

(3) Social workers, licensed or unlicensed marriage, family, and individual counselors.

(4) Teachers, teacher's aides or assistants, school counselors and guidance personnel, school officials, and school administrators.

(5) Child care workers and administrators.

(6) Law enforcement personnel, probation officers, criminal prosecutors, and juvenile rehabilitation or detention facility employees.

(7) Foster parents.

(8) Commercial film and photo processors.

(c) DEFINITIONS.—For the purposes of this section—

(1) the term “child abuse” means the physical or mental injury, sexual abuse or exploitation, or negligent treatment of a child;

(2) the term “physical injury” includes but is not limited to lacerations, fractured bones, burns, internal injuries, severe bruising or serious bodily harm;

(3) the term “mental injury” means harm to a child's psychological or intellectual functioning which may be exhibited by severe anxiety, depression, withdrawal or outward aggres-



sive behavior, or a combination of those behaviors, which may be demonstrated by a change in behavior, emotional response or cognition;

(4) the term “sexual abuse” includes the employment, use, persuasion, inducement, enticement, or coercion of a child to engage in, or assist another person to engage in, sexually explicit conduct or the rape, molestation, prostitution, or other form of sexual exploitation of children, or incest with children;

(5) the term “sexually explicit conduct” means actual or simulated—

(A) sexual intercourse, including sexual contact in the manner of genital-genital, oral-genital, anal-genital, or oral-anal contact, whether between persons of the same or of opposite sex; sexual contact means the intentional touching, either directly or through clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify sexual desire of any person;

(B) bestiality;

(C) masturbation;

(D) lascivious exhibition of the genitals or pubic area of a person or animal; or

(E) sadistic or masochistic abuse;

(6) the term “exploitation” means child pornography or child prostitution;

(7) the term “negligent treatment” means the failure to provide, for reasons other than poverty, adequate food, clothing, shelter, or medical care so as to seriously endanger the physical health of the child;

(8) the term “child abuse” shall not include discipline administered by a parent or legal guardian to his or her child provided it is reasonable in manner and moderate in degree and otherwise does not constitute cruelty;

(9) the term “covered individual” means an adult who—

(A) is authorized, by a national governing body, a member of a national governing body, or an amateur sports organization that participates in interstate or international amateur athletic competition, to interact with a minor or amateur athlete at an amateur sports organization facility or at any event sanctioned by a national governing body, a member of a national governing body, or such an amateur sports organization; or

(B) is an employee or representative of the United States Center for SafeSport;

(10) the term “event” includes travel, lodging, practice, competition, and health or medical treatment;

(11) the terms “amateur athlete”, “amateur athletic competition”, “amateur sports organization”, “international amateur athletic competition”, and “national governing body” have the meanings given the terms in section 220501(b) of title 36, United States Code; and

(12) the term “as soon as possible” means within a 24-hour period.

(d) AGENCY DESIGNATED TO RECEIVE REPORT AND ACTION TO BE TAKEN.—For all Federal lands and all federally operated (or contracted) facilities in which children are cared for or reside and for all covered individuals, the Attorney General shall designate an agency to receive and investigate the reports described in subsection (a). By formal written agreement, the designated agency may be a non-Federal agency. When such reports are received by social services or health care agencies, and involve allegations of sexual abuse, serious physical injury, or life-threatening neglect of a child, there shall be an immediate referral of the report to a law enforcement agency with authority to take emergency action to protect the child. All reports received shall be promptly investigated, and whenever appropriate, investigations shall be conducted jointly by social services and law enforcement personnel, with a view toward avoiding unnecessary multiple interviews with the child.

(e) REPORTERS AND RECIPIENT OF REPORT INVOLVING CHILDREN AND HOMES OF MEMBERS OF THE ARMED FORCES.—

(1) RECIPIENTS OF REPORTS.—In the case of an incident described in subsection (a) involving a child in the family or home of member of the Armed Forces (regardless of whether the incident occurred on or off a military installation), the report required by subsection (a) shall be made to the appropriate child welfare services agency or agencies of the State in which the child resides. The Attorney General, the Secretary of Defense, and the Secretary of Homeland Security (with respect to the Coast Guard when it is not operating as a service in the Navy) shall jointly, in consultation with the chief executive officers of the States, designate the child welfare service agencies of the States that are appropriate recipients of reports pursuant to this subsection. Any report on an incident pursuant to this subsection is in addition to any other report on the incident pursuant to this section.

(2) MAKERS OF REPORTS.—For purposes of the making of reports under this section pursuant to this subsection, the persons engaged in professions and activities described in subsection (b) shall include members of the Armed Forces who are engaged in such professions and activities for members of the Armed Forces and their dependents.

(f) REPORTING FORM.—In every federally operated (or contracted) facility, on all Federal lands, and for all covered individuals, a standard written reporting form, with instructions, shall be disseminated to all mandated reporter groups. Use of the form shall be encouraged, but its use shall not take the place of the immediate making of oral reports, telephonically or otherwise, when circumstances dictate.

(g) IMMUNITY FOR GOOD FAITH REPORTING AND ASSOCIATED ACTIONS.—All persons who, acting in good faith, make a report by subsection (a), or otherwise provide information or assistance in connection with a report, investigation, or legal intervention pursuant to a report, shall be immune from civil and criminal liability arising out of such actions. There shall be a presumption that any such persons acted in good faith. If a person is sued because of the person's performance of one of the above functions, and the defendant prevails in the litigation, the court may order that the plaintiff

pay the defendant's legal expenses. Immunity shall not be accorded to persons acting in bad faith.

(g)<sup>3</sup> [Omitted—amendatory]

(h) TRAINING OF PROSPECTIVE REPORTERS.—All individuals in the occupations listed in subsection (b)(1) who work on Federal lands, or are employed in federally operated (or contracted) facilities, and all covered individuals, shall receive periodic training in the obligation to report, as well as in the identification of abused and neglected children.

(i) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require a victim of child abuse to self-report the abuse.

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## TITLE XXXVII—NATIONAL CHILD SEARCH ASSISTANCE ACT OF 1990

### SEC. 3701. [34 U.S.C. 41307] REPORTING REQUIREMENT.

(a) IN GENERAL.—Each Federal, State, and local law enforcement agency shall report each case of a missing child under the age of 21 reported to such agency to the National Crime Information Center of the Department of Justice.

(b) GUIDELINES.—The Attorney General may establish guidelines for the collection of such reports including procedures for carrying out the purposes of this Act.

(c) ANNUAL SUMMARY.—The Attorney General shall publish an annual statistical summary of the reports received under this title.

### SEC. 3702. [34 U.S.C. 41308] STATE REQUIREMENTS.

Each State reporting under the provisions of this title shall—

(1) ensure that no law enforcement agency within the State establishes or maintains any policy that requires the observance of any waiting period before accepting a missing child or unidentified person report;

(2) ensure that no law enforcement agency within the State establishes or maintains any policy that requires the removal of a missing person entry from its State law enforcement system or the National Crime Information Center computer database based solely on the age of the person;

(3) provide that each such report and all necessary and available information, which, with respect to each missing child report, shall include—

(A) the name, date of birth, sex, race, height, weight, and eye and hair color of the child;

(B) a recent photograph of the child, if available;

(C) the date and location of the last known contact with the child; and

(D) the category under which the child is reported missing;

is entered within 2 hours of receipt into the State law enforcement system and the National Crime Information Center com-

<sup>3</sup>There are two subsection (g)'s so in law. The second subsection (g) and subsection (h) probably should be redesignated as subsections (h) and (i), respectively. See amendment by section 575(b) of division A of Public Law 114–328.

puter networks and made available to the Missing Children Information Clearinghouse within the State or other agency designated within the State to receive such reports; and

(4) provide that after receiving reports as provided in paragraph (3), the law enforcement agency that entered the report into the National Crime Information Center shall—

(A) no later than 30 days after the original entry of the record into the State law enforcement system and National Crime Information Center computer networks, verify and update such record with any additional information, including, where available, medical and dental records and a photograph taken during the previous 180 days;

(B) institute or assist with appropriate search and investigative procedures;

(C) notify the National Center for Missing and Exploited Children of each report received relating to a child reported missing from a foster care family home or childcare institution;

(D) maintain close liaison with State and local child welfare systems and the National Center for Missing and Exploited Children for the exchange of information and technical assistance in the missing children cases; and

(E) grant permission to the National Crime Information Center Terminal Contractor for the State to update the missing person record in the National Crime Information Center computer networks with additional information learned during the investigation relating to the missing person.

**SEC. 3703. [34 U.S.C. 11298] AUTHORITY OF INSPECTORS GENERAL.**

(a) **IN GENERAL.**—An Inspector General appointed under section 3 or 8G of the Inspector General Act of 1978 (5 U.S.C. App.) may authorize staff to assist the National Center for Missing and Exploited Children—

(1) by conducting reviews of inactive case files to develop recommendations for further investigations; and

(2) by engaging in similar activities.

(b) **LIMITATIONS.**—

(1) **PRIORITY.**—An Inspector General may not permit staff to engage in activities described in subsection (a) if such activities will interfere with the duties of the Inspector General under the Inspector General Act of 1978 (5 U.S.C. App.).

(2) **FUNDING.**—No additional funds are authorized to be appropriated to carry out this section.